



PZC CASE NUMBER: PZC 19-027

TYPE: ZONING  
TEXT  
AMENDMENT

## Village Board Memorandum February 13, 2020

### **DISCUSSION ITEM for Village Board Consideration:**

A request from the Village of Westmont regarding the following proposed Zoning Ordinance text amendments:

- A. Text amendment to Appendix A, Article XIV-Definitions; and Appendix A, Article VII, Sections 7.03 and 7.07-Permitted and Special Uses; and Article VIII, Section 8.03, to create zoning definitions and regulations for 'massage therapy establishments', 'medical or dental clinics', and 'health club and fitness center'.

### **Planning and Zoning Commission Recommended Action on January 8, 2019:**

Recommend approval.

#### **I. Basis of Recommendation**

##### **A. Background**

The Village currently regulates massage therapy establishments through Business Licensing Chapter 22, Article XVII. The Zoning Ordinance is largely silent on regulations related to the location of these establishments in the various business and commercial districts in the Village. Due to the lack of zoning district provisions for massage therapy establishments in the Village Code (Appendix A), as well as various requests for zoning reviews of massage services establishments in the Village, the Community Development Department has reviewed these provisions in the Village Code with other Village staff in an effort to provide for regulations governing the location of these establishments, while ensuring compliance with current State law.

Further, with many national and regional reputable massage businesses now in operation, further impetus exists to update these provisions of the Village Code as these and similar businesses look to locate in the Village.

**Additional Recommendations:**

Following adoption of these zoning rules, staff recommends a thorough review process with other Village staff, such as the Assistant Liquor Commissioner, who is responsible for background checks for individuals applying for various licenses during the business licensing process, to include consolidating all non-zoning Village Code provisions that address massage therapy establishments into Article XVII of the Village Code, as well as clarifying and updating the license application process.

The main changes recommended to be made in the near future in order to address Illinois law would be the removal of the provisions in the local Village Code regulating individual massage therapists, as this is now done at the State level. For example, with regard to the license application process, under these updated provisions, the various Village departments will be reviewing the business operation and the premises. Licensing would then provide a recommendation to the Village Board for review and issuance of the license to the business, if approved.

**B. Critical Issues**

For this zoning text amendment, staff recommends the following approach:

**C. Policy**

The proposed Zoning Text Amendments address deficiencies within the zoning ordinance that do not recognize or provide adequate regulations for certain types of businesses. The proposed rules expand massage and similar establishments within the community, differentiate between similar, though distinct, uses, and could require them to obtain special use permits in the business and manufacturing districts to allow review and scrutiny of such businesses, if warranted. These uses would not be allowed by right in the Commercial Districts, except as accessory uses to other primary uses, such as Fitness Centers and Medical/Dental Clinics

**D. Legal**

Notification: Legal notice was published in the Suburban Life on December 19, 2019 as required by State Statutes.

Other Required Actions: Village Board action is required for these proposed Ordinance Amendments. The Zoning Text Amendment came before the Planning and Zoning Commission for a vote on January 8, 2019, followed by a unanimous vote to approve recommendation.

Code Reference: Appendix A, Article XIV-Definitions; Appendix A, Article VII, Section 7.03-Permitted and Special Uses; Appendix A, Article VII, Section 7.07-Permitted and Special Uses in the C-1 District.

Prior PZC Cases:

There was a Zoning code amendment for massage therapy in 1999, but it was withdrawn by the Planning and Zoning Commission on July 14, 1999.

No further consideration of this topic by the Planning and Zoning Commission has taken place until now.

**II. Attachments and References**

1. See Exhibit A for draft language.

**III. Principal Parties Expected at Meeting**

1. Community Development Director, Village of Westmont